

REMARKS/ARGUMENTS

Applicants have studied the Office Action dated August 3, 2004. By this amendment, claims 1, 10, 11-13, 23, and 24, have been amended. After this amendment, claims 1-36 remain pending. Reconsideration and further examination of the pending claims, as amended, in view of the following remarks is respectfully requested.

In the Office Action, the Examiner:

Rejected claims 1-9, 12-20, and 23-31 under 35 U.S.C. §103(a) as being unpatentable over *Foladare* (U. S. Patent No. 5,819,160) in view of *Cannon et al* (Cannon) (U. S. Patent No. 5,974,447).

Rejected claim 34 under 35 U.S.C. §103(a) as being unpatentable over the modified system of *Foladare* and further in view of *Baker* (6,404,046).

Objected to claims 10-11, 21-22, 32-33 and 35-36 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants respectfully traverse the Examiner's rejections for the reasons stated below. Applicants respectfully submit that the pending claims are in condition for allowance and that the Examiner's rejections should be withdrawn.

Allowable Subject Matter

Applicants wish to acknowledge and thank Examiner Tran for finding allowable subject matter in claims 10-11, 21-22, 32-33, and 35-36. Applicants have amended claims 10 and 11 so as to be in independent form by incorporating all of the limitations of their base independent claim and any intervening claim. Dependent claim 35 depends from amended independent claim 11. Applicants believe that amended

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independent claims 10 and 11 are in condition for allowance and their rejection should be withdrawn. Dependent claim 35 depends from allowable claim 11 and accordingly its rejection should be similarly withdrawn.

Overview of the Present Invention

The presently claimed invention is directed to a method and system for an information handling system that receives information relating to a subscriber personal profile comprising subscriber content preferences and fetches content from a content database according to the subscriber content preferences, wherein the fetches content is organized into at least one channel. The content from the at least one channel is mixed into a stream of data according to the subscriber personal profile comprising subscriber content preferences. The stream of data is transmitted for receipt by a remote subscriber unit via a wireless medium for audio rendering to a user. Various aspects of the present invention also include mixing and/or combining multiple channels for transmission, allowing a channel to interrupt a default channel, play different channels through different speakers of a receiver, and provide a text-to-audio converter in the remote subscriber for converting textual content to audio content that can be heard by the user.

Amendments to the Claims

Applicants have amended claim 1 to provide proper antecedent basis by removing a reference to the text-to-audio converter. Applicants have amended independent claims 12 and 23 to conform to claim 1.

Applicants have amended claims 13 and 24 to conform to the amended language of claims 12 and 23, respectively.

Applicants amended claims 10 and 11 so as to be in independent form by incorporating the limitations of their base independent claim and any intervening claims. Claim 10 was further amended to correct a typographical error.

No new matter was added by these amendments.

Rejection under 35 U.S.C. §103(a) as being anticipated by Foladare in view of Cannon

As noted above, the Examiner rejected 1-9, 12-20, and 23-31 under 35 U.S.C. §103(a) as being unpatentable over Foladare in view of Cannon. The Examiner recites 35 U.S.C. §103. The Statute expressly requires that obviousness or non-obviousness be determined for the claimed subject matter "as a whole," and the key to proper determination of the differences between the prior art and the present invention is giving full recognition to the invention "as a whole."

Foladare and Cannon Do Not Teach the Claimed Elements of the Present Invention

To begin, Foladare is directed to a radio subscription system that allows subscribers to establish play lists that contain specified content or keywords for selecting particular news selections from a captioned news service (Foladare, column 4, lines 21-38).

The Cannon reference is directed to coupling a selective call receiver to widely distributed information sources. Cannon teaches selecting and formatting information from different sources based upon various considerations, including a user profile (Cannon, Column 2, lines 51-67, Column 3, lines 1-12). Cannon further teaches specifying criteria by which to search for information that is sent to the user. (Cannon, Column 3, lines 13-14).

Applicants respectfully assert that the cited references, taken either alone or in combination with each other, do not teach the following combination of elements that are recited for claim 1 and recited by similar limitations of the other amended independent claims:

a content database for storing content, wherein the content is organized into at least one channel; and

a content controller for selecting content from the at least one preferred channel according to the subscriber content preferences

Applicants assert that the above two elements require a two step process in which "content is organized into at least one channel" when stored in the content

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database; and "a content controller" selects "content from the at least one preferred channel according to the subscriber content preferences." The Foladare reference teaches content organization within a content database by such things as topic, title, and author, but there is no teaching that this organization is used to create a "channel" (Foladare, column 4, lines 25-34). Foladare does teach selectively retrieving particular audio news from a captioned news service using one or more keywords (Foladare, column 4, lines 34-38). However, there is no teaching that the captioned news service is "organized into at least one channel" from which the particular audio news is retrieved using keywords.

Applicants assert that the present invention's use of channels is not trivial and not a merely aesthetic feature, but rather creates a hierarchical method for a subscriber to specify a filtering of content by which content is first generically selected by at least one preferred channel, and the subscriber then specifies preferences that cause "selecting content from the at least one preferred channel according to the subscriber content preferences." Applicants respectfully assert that such a hierarchical selection and specification feature is not taught or suggested by the cited references. As has been repeatedly held:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). I

MPEP §2143.03 (Emphasis added)

Applicants further respectfully assert that the cited references, taken either alone or in combination with each other, do not teach "mixing content from the at least one preferred channel according to the subscriber personal profile comprising subscriber content preferences" as is recited for claim 1 and similarly recited for the other amended independent claims. Applicants respectfully assert that there is no teaching or suggestion in the Foladare or Cannon reference of any type of "content mixing," let alone mixing "from at least one preferred channel according to the subscriber personal

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profile." Applicants point out that the cited portions of Foladare merely teach "interfaces with a digital radio transmitter and receiver (not shown) for transmitting and receiving data via the communications link 14." This is clearly not a teaching of "mixing content from the at least one preferred channel according to the subscriber personal profile comprising subscriber content preferences" as is recited for claim 1.

For the foregoing reasons, independent claims 1, 12 and 23 distinguish over the cited references. Claims 2-8 and 34-35, 13-19, 36 and 24-30 depend from claims 1, 12 and 23, respectively, and include all of the limitations thereof. Therefore claims 2-8 and 34-35, 13-19, 36 and 24-30 also distinguish over cited references for at least the above reasons as well. Therefore, the Applicants respectfully submit that the rejection of these claims under 35 U.S.C. §103(a) should be withdrawn.

Rejection under 35 U.S.C. §103(a) as Unpatentable over modified system of Foladare and further in view of Baker

As noted above, the Examiner rejected claim 34 under 35 U.S.C. § 103(a) as being unpatentable over the modified system of Foladare and further in view of Baker.

As discussed above, amended independent claim 1 distinguishes over the cited references. Claim 34 depends from claim 1 and includes all of the limitations thereof. Therefore claim 34 also distinguishes over cited references for at least the same reasons as amended independent claim 1. Therefore, the Applicants respectfully submit that the rejection of this claim under 35 U.S.C. §103(a) should be withdrawn.

Conclusion

If for any reason the Examiner finds the application other than in condition for allowance, or the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

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After this Amendment, the present application comprises thirty-six (36) claims, including five (5) independent claims. Applicants have previously paid for thirty-six (36) claims including three (3) independent claims. Applicants, therefore, believe that a fee of (\$176 = 2 x \$88) is currently due for two (2) additional independent claims. The Commissioner is hereby authorized to charge the fee of \$176 for claims amendment, or if this fee amount is insufficient or incorrect then the Commissioner is authorized to charge the appropriate fee amount to prevent this application from becoming abandoned, or credit any overpayment, to Deposit Account 09-0441.


The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 09-0441.

In view of the foregoing, it is respectfully submitted that all of the grounds for rejection stated in the Examiner's office action have been overcome, and that the application and claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

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By: 
Jose Gutman
Registration No. 35,171
Attorney for Applicants

By: 
Jeffrey N. Giunta
Registration No. 42,583
Attorney for Applicants

FLEIT, KAIN, GIBBONS, GUTMAN
BONGINI & BIANCO P.L.
One Boca Commerce Center, Suite 111
551 Northwest 77th Street
Boca Raton, FL 33487
Tel. (561) 989-9811
Fax (561) 989-9812

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